

# Chapter NR 40: The Invasive Species Rule

## Summary & Reference Guide

### Introduction

The Invasive Species Identification, Classification, and Control Rule (Chapter NR 40, Wis. Adm. Code ) classifies invasive species in Wisconsin as Prohibited or Restricted and regulates the **transportation, possession, transfer, and introduction** of those species. The rule also establishes “Preventive Measures” to show what actions we can take to slow the spread of invasive species. Chapter NR 40 covers over 245 species and affects everyone in Wisconsin.

### What This Means for You

The primary goal of NR 40 is to slow the spread of invasive species in Wisconsin. The Department of Natural Resources is using a “stepped enforcement” protocol, which emphasizes education and voluntary compliance. Landowners and businesses can help in several ways:

- **Become familiar with the listed species and their regulated status for your county.**
- **Plant attractive native alternatives.**
- **Report and remove any prohibited species from your property. (Required)**
- **The introduction of regulated invasive plants and animals is prohibited.**
- **Drainage of water from boats and removal of aquatic plants and animals from equipment is required before entering onto a road or coming into the state.**
- **Remember it is illegal to buy, sell, give away, or barter most NR 40 species.**

To ensure that invasive weeds are destroyed and the seeds not redistributed, the DNR’s Natural Heritage Conservation and Waste Management programs are asking property owners to separate and bag any invasive plants in clear bags and label the bags **“Invasive plants—approved by WI DNR for landfilling.”** Groups removing invasive weeds from public properties like parks should make arrangements with their local public works office for collection and disposal.

### What Chapter NR 40 Says

#### Prohibited Invasive Species\*

- Not yet in the state or only in a few places
- Likely to cause environmental and/or economic harm
- Eradication and prevention is feasible

Regulations: Cannot transport, possess, transfer, or introduce without a permit.\*\*

**Control is required. DNR may order or conduct a control effort.**

#### Restricted Invasive Species\*

- Already widely established in the state
- High environmental and/or economic impacts are evident with these species
- Complete eradication is unlikely

Regulations: Cannot transport, transfer, or introduce without a permit.\*\*

Possession is allowed except for fish or crayfish.

**Control is encouraged but not required.**

*\*Any viable part of the species is covered by these regulations.*

*\*\* Certain exemptions do exist with these regulations. Please consult with the website or staff for clarifications.*

### Take Action

**To learn more visit our Invasives Webpage: [dnr.wi.gov](http://dnr.wi.gov) keyword: **invasives****

**To report an invasive species violation or a Prohibited species population:**

- Follow the reporting instructions at: <http://dnr.wi.gov/topic/Invasives/report.html> or send a report to [invasive.species@wi.gov](mailto:invasive.species@wi.gov)

**To find information about a specific species or for control purposes:**

- Go to the species page on the website: <http://dnr.wi.gov/topic/Invasives/what.html>
- Visit the invasives control page: <http://dnr.wi.gov/topic/Invasives/>
- Check out the Terrestrial Plant guide: <http://dnr.wi.gov/files/pdf/pubs/fr/fr0436a.pdf>

## Useful Links for Invasive Species Information

Go to [dnr.wi.gov](http://dnr.wi.gov) and type in the keyword **invasive** for the *invasives species page*.  
You can also search for the following headings, or type in the provided links for more details.

<b>Printable Invasive Plant List:</b>	<a href="http://dnr.wi.gov/topic/Invasives/documents/NR40plantlist.pdf">http://dnr.wi.gov/topic/Invasives/documents/NR40plantlist.pdf</a>
<b>Invasive Species Rule (NR40):</b>	<a href="http://dnr.wi.gov/topic/invasives/classification.html">http://dnr.wi.gov/topic/invasives/classification.html</a>
<b>Invasive Species Publications:</b>	<a href="http://dnr.wi.gov/topic/Invasives/publications.html">http://dnr.wi.gov/topic/Invasives/publications.html</a>
<b>Best Management Practices:</b>	<a href="http://dnr.wi.gov/topic/Invasives/bmp.html">http://dnr.wi.gov/topic/Invasives/bmp.html</a>
<b>Invasive Species Prevention:</b>	<a href="http://dnr.wi.gov/topic/Invasives/prevention.html">http://dnr.wi.gov/topic/Invasives/prevention.html</a>
<b>Invasive Species Disinfection:</b>	<a href="http://dnr.wi.gov/topic/Invasives/disinfection.html">http://dnr.wi.gov/topic/Invasives/disinfection.html</a>
<b>Invasive Species Disposal:</b>	<a href="http://dnr.wi.gov/topic/Invasives/control.html#disposal">http://dnr.wi.gov/topic/Invasives/control.html#disposal</a>
<b>Aquatic Invasive Species &amp; Boating Laws:</b>	<a href="http://dnr.wi.gov/topic/Invasives/boat.html">http://dnr.wi.gov/topic/Invasives/boat.html</a>
<b>Firewood Laws:</b>	<a href="http://dnr.wi.gov/topic/Invasives/firewood.html">http://dnr.wi.gov/topic/Invasives/firewood.html</a>
<b>Permits and Licenses</b>	<a href="http://dnr.wi.gov/topic/Invasives/permits.html">http://dnr.wi.gov/topic/Invasives/permits.html</a>

### Native Alternatives to Invasive Plants

<http://bugwoodcloud.org/mura/mipn/assets/File/MIPN%20Landscape%20Alternatives%202013.pdf>

## Some Exemptions

The transportation, possession, transfer or introduction of a regulated species may not be considered a violation if:

- The department determines that the transportation, possession, transfer or introduction was incidental or unknowing, and was not due to the person's failure to take reasonable precautions (these include following Best Management Practices, link is listed above).
- The action occurs for the purpose of identification, control, or disposal, and no viable individual specimens or propagules are allowed to escape or be introduced.
- The action is authorized by a permit issued by the department.

In May of 2015, a phase out period began. This is to allow Wisconsin nurseries to sell existing stock. Plants listed as "**Restricted**" in 2015, and already in the state, may be sold for up to 5 years for trees and shrubs and 3 years for other plants. No further importation or propagation is allowed. This does not apply to "Prohibited" species.

**For more information:** Visit: [dnr.wi.gov](http://dnr.wi.gov) Keyword: **invasives**  
or Email: [invasive.species@wi.gov](mailto:invasive.species@wi.gov)



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